

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Nineteenth Judicial District Court, County of Lincoln

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-12-007
-vs-)	
)	DECISION
ROBERT HARLAN BAKER, IV,)	
)	
Defendant.)	

On September 26, 2016, the Defendant's suspended sentence was revoked for repeated violations of the terms and conditions of his probation. For the offense of Aggravated Assault, a felony, in violation of §45-5-202, MCA, the Defendant was sentenced to the Montana State Prison for a period of ten (10) years. He received credit for one hundred ten (110) days time served for prior incarceration. The Court expressly denied Defendant credit for any elapsed time due to his repeated violations while on probation. Defendant was ordered to pay restitution in the amount of \$47,303.88, along with a \$500 fine and court costs and fees. Defendant was ordered to register as a violent offender. If released onto community supervision, the Court recommended conditions as stated in the September 26, 2016 Judgment and Sentence.

On February 3, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant appeared by Vision Net from the Dawson County Correctional Facility and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 3rd day of February, 2017.

DATED this 8 day of March, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 9th day
of March, 2017, to:

Clerk of District Court (Original)
Robert Harlan Baker, IV #3009959, Defendant (2)
Hon. James Wheelis
Brent Getty, Defense Counsel
Bernard Cassidy, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division